

PROGRAM MEMO

Program Memo: Title 390, Protection and Safety #9-2005

To: Holders of Title 390

From: Todd Reckling
Office of Protection and Safety

Signed by _____, Director
Department of Health and Human Services

RE: Clarification of Program Memo: #6-2004 Guardianship as the Permanency Objective

Effective Date: August 15, 2005

Duration: Until revised regulation is issued.

Contact: Questions concerning this program memo may be addressed to
Margaret Bitz at margaret.bitz@hhss.ne.gov or (402) 471-9456.

The purpose of this program memo is to clarify Program Memo #6-2004 –
Guardianship as the Permanency Objective.

Program Memo #6-2004, “Guardianship as the Permanency Objective” lists conditions under which Guardianship can be the Permanency Objective for a child in the custody of the Department. This memo also mandates that the use of Guardianship outside of the conditions listed in Program Memo #6-2004 requires an approved exception by Central Office.

There is a difference of interpretation in the field regarding application of the exception requirement if Guardianship was the court-ordered permanency objective prior to the date the program memo was issued. Therefore the following clarification is given.

A central office exception to allow continuation of Guardianship as a permanency objective is not required if the court prior to January 15, 2005 ordered Guardianship.

Although there is no requirement to request Central Office approval to continue the permanency objective of Guardianship to children prior to January 15, 2005, it is recommended that Protection and Safety supervisors continue to review the permanency objective with Protection and Safety workers. The purpose of this supervision and review is to assure that Guardianship is in the best interest of the specific child.

If Guardianship is not in the child's best interest then the supervisor must assure that every effort has been made to remove barriers to the preferred permanency objective.

For example: it may be necessary to insure that all parties involved understand that open adoption does allow continued contact between a child and member of his/her birth family; or it might be necessary to make renewed efforts to help an older child understand why he/she rejects adoption and understand what adoption means.

Field staff is encouraged to contact Central office for consultation and assistance if it appears that a permanency objective other than Guardianship would be in the best interest of a child but it is difficult to achieve.